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**TECHNOLOGY CENTER 3600**

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Suite 700  
295 Madison Avenue  
New York, NY 10017

In re Application of:  
David Tropp  
Serial No. 10/706,500  
Filed: November 11, 2003  
For: METHOD OF IMPROVING AIRLINE  
LUGGAGE INSPECTION

**DECISION ON PETITION  
TO MAKE SPECIAL  
( COUNTER TERRORISM,  
INFRINGEMENT)**

This is a decision on the petitions filed January 30, 2004 under 37 CFR 1.102 (d) to make the above-identified application special under the accelerated examination procedure set forth in M.P.E.P. § 708.02, Section XI: Inventions for Countering Terrorism, or in the alternative M.P.E.P. § 708.02, item II: Infringement.

The requirements for granting special status under M.P.E.P. § 708.02, Section XI: Inventions for Countering Terrorism are: (A) a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h); and (B) a statement explaining how the invention contributes to countering terrorism.

The requirements for granting special status under M.P.E.P. § 708.02, item II: Infringement are: (1) the appropriate petition fee under 37 CFR 1.17(h); (2) a statement by the assignee, applicant, or attorney alleging: (A) that there is an infringing device or product actually on the market or method in use; (B) that a rigid comparison of the alleged infringing device, product or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and (C) that he or she has made a careful and thorough search of the prior art, or has good knowledge of the prior art, and has sent a copy of the references deemed most closely related to the subject matter encompassed by the claims.

Since each above-noted petition requires a petition fee under 37 CFR 1.17(h) of \$130.00, applicant is required to submit a total of \$260.00 to have both petitions

considered. A review of the file record reveals that applicant has submitted \$130.00 in petition fees, with no authorization to charge additional fees. Therefore, applicant is required to either submit an additional \$130.00 to have both petitions considered. Or, in the alternative, choose one of the two petitions which he wishes to have considered for his, previously submitted, \$130.00 fee.

Any request for reconsideration must be filed within TWO MONTHS of the date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Should petitioner desire reconsideration, he should supplement this petition by a declaration or statement giving the information as outlined above. Applicant should promptly submit a renewed petition to the Commissioner of Patents and Trademarks, Washington, D.C. 20231. The envelope should indicate that the correspondence be brought to the attention of Technology Center 3600.

Until the renewed petition is submitted, the application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.

For the above stated reasons, the petitions are **DISMISSED**.



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Kenneth J. Dorner  
Special Programs Examiner  
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(703) 308-0866

KJD/rwg: 10/26/04